

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel Fogelson on 5/26/2009.

The application has been amended as follows:

1. (Currently Amended) A method of enhancing network utilization for a user coupled to the network via a receiver; wherein

said network is operated by a network operator, wherein the network offers both standard video content programming and enhanced video based content programming where such enhanced video programming is user interactive,

a plurality of content providers provide the enhanced video based content programming over the network controlled by said network operator; and

said network operator controls communications between said plurality of users and content providers as to prevent the transmission of content from a content provider if such a content provider is non-authorized; the method comprising the steps of:

monitoring each of a plurality of user transactions between the receiver and the plurality of content providers, wherein said monitoring step is performed by said network operator;

extracting transaction information from at least a portion of said plurality of user transactions, wherein said extracting step is performed by said network operator;

storing said extracted transaction information in a data base controlled by a ~~third party~~ said network operator;

forming a user profile based on a combination of at least a portion of said extracted transaction information;

identifying particular enhanced video based content programming based on said user profile; and

~~providing the user with an option to view said identified particular enhanced content programming if said particular enhanced programming is from an authorized content provider.~~

intercepting the enhanced video based content programming, said intercepting step performed by the network operator and determining whether the enhanced video based content programming includes markers inserted by the content provider;  
determining if the enhanced video based content programming complies with a set of network operator rules by examining the markers; permitting the enhanced video based

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content programming to be received by the user receiver if the enhanced video based content programming complies with said set of network operator rules; and preventing the enhanced video based content programming from being received by the user receiver if the enhanced video based content programming does not comply with said set of network operator rules.

11. (Currently Amended) The method of claim 1, wherein said providing step is performed in response to the steps of requesting specific enhanced video based content programming, said requesting step performed by the user, wherein said particular enhanced video based content programming is substituted for said requested specific enhanced video based content programming in response to an instruction by said network operator.

13. (Currently Amended) A method of enhancing network utilization for a user coupled to the network via a receiver, wherein

said network is operated by a network operator, said network offers both standard video content programming and enhanced video based content programming where such enhanced video programming is user interactive, and

a plurality of content providers provide the enhanced programming over the network controlled by said network operator; and

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said network operator controls communications between said plurality of users and content providers as to prevent the transmission of content from a content provider if such a content provider is non-authorized, the method comprising the steps of:

monitoring each of a plurality of user transactions between the receiver and the plurality of content providers, wherein said monitoring step is performed by said network operator;

extracting transaction information from at least a portion of said plurality of user transactions, wherein said monitoring step is performed by said network operator;

storing said extracting transaction information in a data base controlled by ~~a third party~~ said network operator;

forming a user profile based on a combination of at least a portion of said extracted transaction information; and

tailoring at least a portion of the enhanced video based content programming based on said user profile ~~as to provide the enhanced content programming from at least one authorized content provider.~~

intercepting the enhanced video based content programming, said intercepting step performed by the network operator and determining whether the enhanced video based content programming includes markers inserted by the content provider;  
determining if the enhanced video based content programming complies with a set of network operator rules by examining the markers; permitting the enhanced video based content programming to be received by the user receiver if the enhanced video based content programming complies with said set of network operator rules; and preventing

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the enhanced video based content programming from being received by the user receiver if the enhanced video based content programming does not comply with said set of network operator rules.

16. (Currently Amended) A network-based system for providing enhanced network utilization, the system comprising:

a network providing both standard video programming and enhanced video based content programming where such enhanced video programming is user controlled, said network is operated by a network operator;

a plurality of content providers providing said enhanced video content programming and the network prevents the transmission of at least one of standard and enhanced video based programming from an unauthorized content provider and the transmission of said programming that has been prevented comes from an authorized content provider from plurality of content providers in response to an instruction from said network;

a receiver coupled to said network, said receiver capable of receiving said standard programming and said enhanced video based content programming, said receiver capable of interacting with said plurality of content providers; and

~~a third party controller coupled to said network, said third party controller wherein~~  
said network operator comprising:

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means for monitoring information flowing between said receiver and said plurality of content providers;

means for extracting transaction information from said monitored information;

means for combining at least a portion of said extracted transaction information to form a user profile;

a data base for storing at least a portion of said extracted transaction information and for storing said user profile;

means for distinguishing enhanced video based content programming corresponding to said user profile; and

means for identifying said distinguished enhanced video based content programming to said receiver;

means for intercepting the enhanced video based content programming;

means for determining whether the enhanced video based content programming includes markers inserted by the content providers; determining if the enhanced video based content programming complies with a set of network operator rules by examining the markers; permitting the enhanced video based content programming to be received by the user receiver if the enhanced video based content programming complies with said set of network operator rules; and preventing the enhanced video based content programming from being received by the user receiver if the enhanced video based content programming does not comply with said set of network operator rules.

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22. (Currently Amended) The network based system of claim 16, said network operator further comprising means coupled to said receiver for a user to input a set of criteria to be used by said ~~third party controller~~ network operator to determine what information to extract from said transaction information.

23. (Currently Amended) The network based system of claim 16, wherein said network operator further comprising:

~~a network operator for controlling said network; and means for said network operator to input a set of criteria to be used by said third party controller to determine what information to extract from said transaction information~~ inputting means for inputting a set of criteria to be used to determine what information to extract from said transaction information.

24. (Currently Amended) The network based system of claim 16, said ~~third party controller~~ network operator further comprising means for discriminating between initialized transaction and finalized transaction information, wherein said portion of said extracted transaction information used to form said user profile is said finalized transaction information.

25. (Currently Amended) The network based system of claim 16, said ~~third party~~

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~~controller~~ network operator further comprising means for periodically updating said user profile.

26. (Currently Amended) The network based system of claim 16, said ~~third party~~ controller network operator further comprising means for continuously updating said user profile.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

The prior art of record single or in combination failed to teach the combination of the invention as claimed in independent claims 1, 13, 16.

For example it failed to teach, "intercepting the enhanced video based content programming, said intercepting step performed by the network operator and determining whether the enhanced video based content programming includes markers inserted by the content provider; determining if the enhanced video based content programming complies with a set of network operator rules by examining the markers; permitting the enhanced video based content programming to be received by the user receiver if the enhanced video based content programming complies with said set of network operator rules; and preventing the enhanced video based content programming from being received by the user receiver if the enhanced video based content programming does



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not comply with said set of network operator rules”, which clearly support by the specification on pages 9-18. This feature in light of other features of the independent claims 1,13,16 enable claims’ allowable.

The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitation set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./

Examiner, Art Unit 2452

/Kenny S Lin/

Primary Examiner, Art Unit 2452